

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANTHONY KIRBY,)	CASE NO.: 5:09CV2161
)	
Petitioner,)	JUDGE JOHN ADAMS
)	
)	
MAGGIE BEIGHTLER,)	<u>ORDER AND DECISION</u>
)	
Respondent.)	
)	

The Court has examined the Report and Recommended Decision of Magistrate Judge Baughman, submitted in this matter on July 30, 2010. Upon due consideration, and no objections having been filed by the parties, the Court adopts the Report and recommended findings and conclusions of the Magistrate Judge and incorporates them herein. Therefore, it is ordered that petition is hereby DISMISSED.

Pursuant to 28 U.S.C § 1915(a)(3), the Court certifies that Petitioner may not take an appeal from the Court's decision in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

August 24, 2010

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE